

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 11/1/2012

Action Requested By:  
Legal

Agenda Item Type  
Resolution

Subject Matter:

Invoking letter of credit

Exact Wordling for the Agenda:

Resolution authorizing the Clerk Treasurer to invoke PNC Bank Letter of Credit No. 18799589 for The Willows Phase 3 at River Landing Subdivision.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 10/26/2012

RESOLUTION NO. 12-\_\_\_\_\_

WHEREAS, PNC Bank issued a certain letter of credit (No. 18799589), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to PNC Bank Letter of Credit No. 18799589, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 1st day of November, 2012.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville,  
Alabama

APPROVED this the 1st day of November, 2012.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama

PNC Bank, National Association  
Trade Service Operations  
500 First Avenue - 2nd Floor  
Pittsburgh PA 15219  
Mail Stop: P7-PFSC-02-T

Customer Service: 1800-682-4689  
SWIFT Address: PNCCUS33



DATE: JUNE 18, 2012

5/12  
ext

CITY OF HUNTSVILLE  
PO BOX 308  
HUNTSVILLE, AL 35804

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT

|                                |                             |
|--------------------------------|-----------------------------|
| PNC BANK NEW REFERENCE NUMBER: | 18799589-00-000             |
| APPLICANT:                     | RIVER BEND INVESTMENTS (AL) |
| CURRENT AVAILABLE AMOUNT:      | \$85,575.00                 |
| EXPIRY DATE:                   | NOVEMBER 09, 2012           |
| EXPIRY PLACE:                  | OUR COUNTERS                |

EFFECTIVE MARCH 3, 2012, IRREVOCABLE STANDBY LETTER OF CREDIT SB004996  
ISSUED BY RBC BANK USA IS AMENDED AS FOLLOWS:

THE ISSUING BANK IS NOW TO READ PNC BANK, NATIONAL ASSOCIATION

DRAFTS, IF REQUIRED BY THE EXISTING TERMS OF THE LETTER OF CREDIT, MUST  
NOW BE DRAWN ON PNC BANK, NATIONAL ASSOCIATION AND REFERENCE OUR LETTER  
OF CREDIT NO. 18799589-00-000.

RE: ARTICLE 3 SIDEWALK LETTER OF CREDIT FOR THE WILLOWS PHASE 3 AT  
RIVER LANDING

THIS LETTER OF CREDIT IS NOW AVAILABLE FOR PAYMENT AT THE COUNTERS OF  
PNC BANK, NATIONAL ASSOCIATION LOCATED AT 500 FIRST AVENUE, 2ND FLOOR,  
P7-PFSC-02-T, ATTN: STANDBY LETTER OF CREDIT DEPARTMENT, PITTSBURGH, PA  
15219

DOCUMENTS MAY BE PRESENTED ON OR BEFORE THE EXPIRATION DATE AT EITHER OF THE  
FOLLOWING:

PNC BANK, NATIONAL ASSOCIATION  
500 FIRST AVENUE, 2ND FLOOR  
P7-PFSC-02-T  
PITTSBURGH, PA 15219  
ATTN: STANDBY LETTER OF CREDIT DEPARTMENT,

OR

Page 1 of 3

18799589-00-000

MS  
6/29/12

M  
6/1

OK KCA  
7/2/12

OK  
CER  
7/2/12

PNC Bank, National Association  
Trade Service Operations  
500 First Avenue - 2nd Floor  
Pittsburgh, PA 15219  
Mail Stop: P7-PFSC-02-T

Customer Service: 1800-682-4689  
SWIFT Address: PNCCUS33



PNC BANK, NATIONAL ASSOCIATION  
100 CHURCH STREET, 3<sup>RD</sup> FLOOR  
HUNTSVILLE, AL 35801


ATTENTION: BRANCH MANAGER OR SALES AND SERVICE MANAGER

ALL REFERENCES IN THE LETTER OF CREDIT TO THE ISSUING BANK SHOULD NOW  
READ PNC BANK, NATIONAL ASSOCIATION

ALL REFERENCES IN THE LETTER OF CREDIT TO THE LETTER OF CREDIT NUMBER  
SHOULD NOW READ 18799589-00-000.

PLEASE SIGNIFY YOUR CONSENT TO THIS AMENDMENT BY SIGNING THE ATTACHED  
COPY OF THIS AMENDMENT AND RETURNING THE SAME DIRECTLY TO US BY MAIL TO  
OUR ADDRESS AT 500 FIRST AVENUE, 2ND FLOOR, P7-PFSC-02-T, ATTN: STANDBY  
LETTER OF CREDIT DEPARTMENT, PITTSBURGH, PA 15219. YOUR IMMEDIATE  
ATTENTION TO THIS MATTER IS REQUIRED IN ORDER THAT WE MAY COMPLETE OUR  
RECORDS.

ALL OTHER CONDITIONS REMAIN UNCHANGED.

  
PNC BANK, NATIONAL ASSOCIATION  
GLOBAL TRADE SERVICE OPERATIONS



PNC Bank, National Association  
Trade Service Operations  
500 First Avenue - 2nd Floor  
Pittsburgh PA 15219  
Mail Stop P7-PFSC-02-T

Customer Service: 1800-682-4689  
SWIFT Address: PNCCUS33



IN REFERENCE TO AMENDMENT UNDER PNC BANK LETTER OF CREDIT NUMBER  
18799589-00-000.

WE HEREBY CONSENT TO THE TERMS AND CONDITIONS OF THIS AMENDMENT.

WE HEREBY DO NOT CONSENT TO THE TERMS AND CONDITIONS OF THIS  
AMENDMENT.

WE FURTHER CERTIFY THAT THE UNDERSIGNED IS AUTHORIZED TO EXECUTE THIS  
AGREEMENT

CITY OF HUNTSVILLE

BY:

*Charles E. Haynes*

DATE:

*7/3/12*



DATE, MARCH 16, 2012

CITY OF HUNTSVILLE  
PO BOX 308  
HUNTSVILLE, AL 35804

EFFECTIVE AT THE END OF THE DAY ON MARCH 2, 2012, RBC BANK USA WAS MERGED INTO PNC BANK, NATIONAL ASSOCIATION. YOU ARE THE BENEFICIARY OF THE LETTER OF CREDIT ISSUED BY RBC BANK USA THAT IS REFERENCED IN THE ATTACHED AMENDMENT.

THE LETTER OF CREDIT IS BEING AMENDED TO REFLECT SEVERAL CHANGES REGARDING YOUR LETTER OF CREDIT. PLEASE REVIEW THE ATTACHED AMENDMENT CAREFULLY AND NOTE THAT THE ISSUING BANK'S NAME, PLACE OF PRESENTATION AND THE LETTER OF CREDIT NUMBER ARE BEING AMENDED.


AFTER YOUR REVIEW, PLEASE SIGN THE ATTACHED CONSENT TO THE AMENDMENT AND RETURN IT TO PNC BANK, NATIONAL ASSOCIATION, 500 FIRST AVENUE, 2ND FLOOR, P7-PFSC-02-T, ATTN: STANDBY LETTER OF CREDIT DEPARTMENT PITTSBURGH, PA 15219. IF YOU HAVE ANY QUESTIONS, PLEASE CALL OUR CUSTOMER SERVICE NUMBER AT 1-800-682-4589 AND CHOOSE OPTION 2 (STANDBY LETTER OF CREDIT) AND OPTION 2 AGAIN (CUSTOMER SERVICE).

PLEASE NOTE THE REFERENCED AMENDMENT IS TO BE CONSIDERED AS PART OF THE ORIGINAL LETTER OF CREDIT AND MUST BE ATTACHED THERETO.

WE LOOK FORWARD TO SERVING YOUR LETTER OF CREDIT NEEDS IN THE FUTURE.

SINCERELY,

PNC BANK, NATIONAL ASSOCIATION

  
AUTHORIZED SIGNATURE



RBC Bank™

September 14, 2011

International Services - Standby L/C Unit  
200 Providence Rd., 3rd Floor  
Charlotte, NC 28207  
S.W.I.F.T.: CNTAUS33  
Tel.: 704-686-1467 or 704-686-1194  
Fax: 704-686-1498  
Toll-free: 1-800-938-6299

Amendment to Irrevocable Standby Letter of Credit Number SB004996

Beneficiary:

City of Huntsville  
PO Box 308  
Huntsville, AL 35804

Applicant:

River Bend Investments (AL) LLC  
2101 W. Clinton Ave., Suite 501  
Huntsville, AL 35805

RE: Article 5 Sidewalk Letter of Credit for The Willows Phase 3 at River Landing

Gentlemen:

We hereby amend our above referenced letter of credit as follows:

-expiry date extended to November 09, 2012

All other terms and conditions remain unchanged.

Sincerely,

RBC Bank (USA)

Glenda A. Martin

Authorized Signature

MS  
9/16/11

MW  
9-19-11

OK

TPS  
5-22-11

OK

CSR  
9/23/11

Chaim Diner  
Authorized Signature



RBC Bank™

International Services - Standby L/C Unit  
200 Providence Rd., 3rd Floor  
Charlotte, NC 28207  
S.W.I.F.T.: CNTAUS33  
Tel.: 704-686-1467 or 704-686-1194  
Fax: 704-686-1498  
Toll-free: 1-800-938-6299

Issue Date: November 09, 2009

Expiry Date: November 09, 2011

Irrevocable Standby Letter of Credit Number SB004996

**Beneficiary:**

City of Huntsville  
PO Box 308  
Huntsville, AL 35804

**Applicant:**

River Bend Investments (AL) LLC  
2101 W. Clinton Ave., Suite 501  
Huntsville, AL 35805

Re: Article 5 Sidewalk Letter of Credit for The Willows Phase 3 at River Landing

We hereby open our Irrevocable Standby Letter of Credit referenced above in your favor, as Beneficiary effective November 09, 2009, for the account of the above referenced Applicant up to the aggregate amount of \$85,575.00 (Eighty Five Thousand Five Hundred Seventy Five and 00/100 United States Dollars) available by payment of your draft(s) drawn at sight on us when accompanied by:

A signed statement by a representative of the City of Huntsville, Alabama reading: "This draw is being made pursuant to Article 5 of the Subdivision Regulations."

We hereby agree with you that all draft(s) drawn under and in compliance with the terms and conditions of this Credit shall be duly honored by us when presented, along with the required documentation and the original of this letter of credit, at our office located at 200 Providence Road, 3<sup>rd</sup> Floor, Charlotte, NC 28207 OR 100 Church Street, 3<sup>rd</sup> Floor, Huntsville, AL 35801 on or before the above stated expiry date.

Draft(s) drawn hereunder must state on their face "drawn under RBC Bank (USA) letter of credit number SB004996".

This Letter of Credit is subject to/and governed by the laws of the State of Alabama and the International Standby Practices ("ISP98"), International Chamber of Commerce (Publication No. 590) and in the event of any conflict, the laws of the State of Alabama will control.

Sincerely,

RBC Bank (USA)

  
Authorized Signature

OK  
CEH  
11/14/09

  
Authorized Signature

MS

OK